

UNITED STATES DISTRICT COURT
for the
District of South Carolina

Petitioner)
v.) Civil Action No. 2:09-1685-RMG-RSC
Warden McCall)
Respondent)

SUMMARY JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

the petitioner (name) _____ recover from the respondent (name) _____ the amount of _____ dollars (\$__), which includes prejudgment interest at the rate of ___ %, plus postjudgment interest at the rate of ___ %, along with costs.

the petitioner recover nothing, the action be dismissed on the merits, and the respondent (name) _____ recover costs from the petitioner (name) _____.

■ other: The Report and Recommendation of Magistrate Judge Robert S. Carr is adopted and incorporated. Summary Judgment is entered for the Respondent. A Certificate of Appealability is Denied. The Petitioner shall take nothing on his claim filed pursuant to Title 28 U.S.C § 2254.

This action was (*check one*):

tried by a jury, the Honorable _____ presiding, and the jury has rendered a verdict.

tried by the Honorable _____ presiding, without a jury and the above decision was reached.

decided by the Honorable Richard Mark Gergel, United States District Judge

Date: October 28, 2010

CLERK OF COURT Larry W. Propes



Signature of Clerk or Deputy Clerk